

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 18659 of 1995

Between:

- 1 P.Pedda Thirupathayya,(Died) per L.R'S.
R/O.H.NO. 46/36/A, K.D.R.NAGAR,
WANAPARTHY.
- 2 P.Surendranath , S/o. Late P.Peadda Thirupathayya,
R/o. 41-70 ,K.D.R.,Nagar,Wanaparthi,Town and Mandal, M'Nagar Dist.
- 3 Smt.P.Lingamma, W/o. Late P.Peadda Thirupathayya,
R/o. 41-70 ,K.D.R.,Nagar,Wanaparthi,Town and Mandal, M'Nagar Dist.
PP 2& 3 are brought on records as LR's of the deceased sole petitioner as per
court order dt.2.2.01 in W.P.M.P.1506/2001

..... PETITIONER(S)

AND

- 1 The Special Deputy Collector, S/O.LATE P.PEDDA THIRUPATHAIAH,
Srisailem Project, Campet at Wanaparthi.
Mahabubnagar District.
- 2 The Executive Engineer, Protection Works Division,
Kallur , Kurnool-2
- 3 The Dist.Collector,
Mahabubnagar.
- 4 Secretary to Govt., Irrigation Department Dept., Govt., of A.P.,
Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or direction more particularly one in the nature of writ of Mandamus to direct the respondents to award compensation for the protection walls and the bund in Sy.NO.319 & 320 of Chellaped Village of Veepangandle Mandal, Mahabubnagar Dist,

Counsel for the Petitioner:MR.M.RAMA RAO

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

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ORDER:

Heard both sides and at their request this Writ Petition is taken up for disposal.

Petitioners herein are aggrieved against the non-payment of compensation in respect of protection wall and the bund situated in S.Nos 319 and 320 of Chellapadu Village of Veepangandla Mandal.

The case of the petitioners in brief is that they came to know subsequently that the said wall and the bund are not made part of the proceedings and no compensation has been awarded. Accordingly, the Special Deputy Collector, (Land Acquisition & Rehabilitation), Srisailam Project, Wanaparthi forwarded his application to the Executive Engineer, Protection Works Division Kallur, Kurnool-2 vide his proceedings No. B3/397/89 dated 7.9.1989. Thereafter, the petitioner sent another application-dated 31.10.1992 to the Executive Engineer, Protection Works, Kallur, Kurnool for taking steps in regard to the payment of compensation. Thereupon, the Special Deputy Collector, (Land Acquisition & Rehabilitation) Srisailam Project, Wanaparthi had addressed another letter No. 82/1138/92 dated 9.9.1993 informing that the Executive Engineer, Protection Works Division, Kallur estimated the cost of the protection wall and the bund at Rs. 19,567/- and advised the Land Acquisition Officer to pay the compensation. In spite of these letters petitioners say no such compensation has been paid.

Having heard the learned counsel and also after perusing the entire material on record, it is seen that admittedly, the land of the petitioners has been acquired in S.Nos. 319 and 320 and ultimately an award was passed in Award No. 86/77 dated 10.2.1977. Subsequently, it was noticed on either side that the protection wall and the bund did not form part of the subject matter of the award.

Having regard to the proceedings dated 7.9.1989 and 9.9.1993 and also having regard to the representations made by the petitioners, it is seen that no explanation is forthcoming from the respondents' side as to why compensation has not been paid for the protection walls and the bund. In the circumstances, the Writ Petition is allowed directing the first respondent to pass appropriate orders, in

respect of protection wall and the bund, within a period of one month from the date of receipt of a copy of this order after giving an opportunity to the petitioners.

Ka 3.11.2004.

To

- 1 The Special Deputy Collector, S/O.LATE P.PEDDA THIRUPATHAIAH,
Srisaillam Project, Campet at Wanaparthi.
Mahabubnagar District.
- 2 The Executive Engineer, Protection Works Division,
Kallur , Kurnool-2
- 3 The Dist.Collector,
Mahabubnagar.
- 4 Secretary to Govt., Irrigation Department Dept., Govt., of A.P.,
Secretariat, Hyderabad.
5. 2CCs to G.P. for Irrigation and Comm. Area development , High Court Buildings,
High Court of A.P., Hyderabad. (out)
6. 2CD copies